Yakama Nation Fisheries

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March 10, 2020

US Environmental Protection Agency, R10
c/o Ken Marcy, National Priorities List Coordinator
805 SW Broadway, Suite 500
Portland, OR 97205

RE: Bradford Island – Yakama Use, Treaty Rights, and Health Concerns

Dear Mr. Marcy:

The Bradford Island area is within the homelands of the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation). This Island and this vicinity remain as an important usual and accustomed (U&A) area for cultural, subsistence and commercial fishing. The consumption of resident fish and the resulting exposure to Bradford Island contamination is highly concerning.

The Yakama Nation repeatedly raised concerns about the adequacy and lack of cleanup progress at Bradford Island and therefore petitioned EPA for listing on the National Priorities List (NPL). As part of their evaluation, EPA has requested information on tribal use and toxicity exposure from Bradford Island contamination including both current and historic fish/shellfish consumption rates by species.

Bradford Island, North Bonneville, and the surrounding area were occupied by indigenous people since time immemorial and prior to European settlers and the US Government land take-overs. Based on information from the Yakama Nation Cultural Department, the Bradford Island area was historically a federal trust allotment and currently has numerous cultural/archaeological sites on the Island and along the river shorelines (confidentiality applies).

Yakamas historically consumed multiple migratory and resident fish species, as well as shellfish, from Bradford Island, prior to land take-overs by the US government. Suppression of the Tribes' inherent right to fish at traditional sites began in the 1800s; however, the Yakama Nation fought diligently to keep their reserved treaty fishing rights, restore and protect fish populations, and to bring these issues before the public and the courts (2005, The Si'lailo Way: Indians, Salmon and Law on the Columbia river, by Dupris et al.). Today, within the areas of impacted sediments and resident fish, Tribal fish consumption rates by fish/shellfish species are difficult to quantify. Quantification is not the issue, the fundamental matter is that Yakamas treaty rights to fish/shellfish are not limited. Yakamas have always and will continue to fish from the Bonneville Pool.

Currently, the Fort Rains/Bonneville Tribal Treaty Fishing Access Site is located within a half mile of Bradford Island and partially within the In-river Operable Unit of the site (see Figure 1). There are also numerous U&A tribal fishing platforms located within a third of a mile from Bradford Island and within the Bradford Island In-river Operable Unit (Figure 2). Tribal members fish from platforms on the western tip of Goose Island and along the Oregon and Washington shorelines. The lower Bonneville pool tribal

treaty harvests are continuing despite fish advisory warnings, and that includes smallmouth bass being harvested as non-target by-catch in tribal commercial, ceremonial, and subsistence fisheries at Fort Rains Treaty Fishing Access Site and other nearby sites. Because smallmouth bass is not formally managed by any tribes in this area (it is a non-native non-treaty game fish managed by the state agencies) and is not ESA-listed, the tribal commercial or subsistence catch is not recorded or accounted for through the *U.S. v. Oregon* Management Agreement.

A few times in recent years the Yakama Nation authorized fishing for non-salmonid and sturgeon species when catch limits for salmonids/sturgeon had been exceeded. Catfish, bass, walleye and shad were the main non-salmonid species targeted during salmon closures. Tribal members both ate and sold these non-salmonid species.

As you know, fish swim significant distances from where they feed and so fish caught outside of the "Zone of Actual Contamination" (Figure 3) also contain concentrations of Bradford Island contaminants at concentrations orders of magnitude above current human health toxicity criteria. Therefore, we are more concerned about the larger area of contaminated resident fish caught within and potentially beyond the Bradford Island In-river Operable Unit (Figure 4). The cultural and health impacts of contaminated resident fish species on Indian treaty fishing in the Columbia River are enormous because enrolled tribal members traditionally do not waste by-catch caught in gill nets. When fishing for salmon or other fish species by-catch of any type is kept and utilized as the belief is that every fish is a gift from the Creator and Yakama members are taught not to waste these precious resources. Yakama families and individuals are dependent on salmon and other fish and shellfish species including, but not limited to sturgeon, crayfish, and clams/mussels. Between migratory fish runs tribal members may rely on resident fish and shellfish for sustenance. We are concerned that tribal members continue to eat contaminated fish caught in the Bradford Island area, and exposure varies by family, cultural practices, and awareness of contamination issues.

Although a U&A treaty fishing area, enrolled Yakama members are currently prohibited (by tribal regulation) from building fishing platforms on Bradford Island. This decision to issue tribal regulations prohibiting fishing platforms on Bradford Island is a direct result of contamination issues and safety concerns. This decision does not affect other ongoing fishing activities in the vicinity of Bradford Island, within the affected In-River Operable Unit.

In 2013, both the Oregon Health Authority and the Washington Department of Health issued fish consumption advisories for resident fish species in the Columbia River above Bonneville Dam due to elevated levels of mercury and PCBs. Fetuses in utero, nursing babies and small children are most vulnerable to the health effects of these contaminants of concern. Fetuses and babies exposed to high levels of mercury and PCBs can suffer life-long learning and behavior problems. Fishers have been warned not to give resident fish caught from the middle Columbia River to others unless the recipients are aware of where the fish were caught and understand the recommendations in the state fish advisories. Outreach efforts, related to consumption of contaminated fish and shellfish tissue, by the US Army Corps of Engineers (Corps) or others, beyond the health authorities' websites and signage, is lacking. This situation is extremely concerning to the Yakama. Many tribal fishers know very little about this issue, are concerned, and want to know more. Some fishers have stated that they previously sold sturgeon from the Bonneville Pool but no longer do because of concerns about Bradford Island contamination.

Anadromous and resident fish species use the Bradford Island area of the Columbia River for foraging, migration, rearing, spawning, and overwintering habitat. All fish species, adult and juvenile, would be expected to swim in, adjacent to or near the "Zone of Actual Contamination" (Figure 3) identified by the EPA (Ken Marcy email correspondence, February 13, 2020). Several Endangered Species Act (ESA)-listed species are found in the waters surrounding Bradford Island, including their designated critical habitat and essential fish habitat. Table 1 provides a summary of fish species, distribution and life histories expected to be encountered in the Bradford Island area. The information was obtained from the Washington State Department of Fish and Wildlife SalmonScape Mapping Tool and Oregon Department of Fish and Wildlife Compass Mapping Tool at the following weblinks:

- https://apps.wdfw.wa.gov/salmonscape/map.html
- https://compass.dfw.state.or.us/visualize/#x=-120.50&y=44.09&z=7&logo=true&dls%5B%5D=true&dls%5B%5D=0.5&dls%5B%5D=549&basemap=ESRI+Satellite&tab=data&print=false

With respect to delineation, Yakama Nation has submitted a significant number of comments to the administrative record expressing concerns about the inadequacy of the Corps' Remedial Investigation, Risk Management Decisions, and subsequent investigation efforts to delineate and characterize the site. Therefore, we have low confidence that the "Zone of Actual Contamination" represented in Figure 3, is an accurate or complete representation of where contamination from the Bradford Island facility has come to be located and where risks to ecological and human receptors are present. These data gaps must be addressed.

If you have any questions feel free to contact Laura Shira at 509.985.3561 or shil@yakamafish-nsn.gov.

Regards,

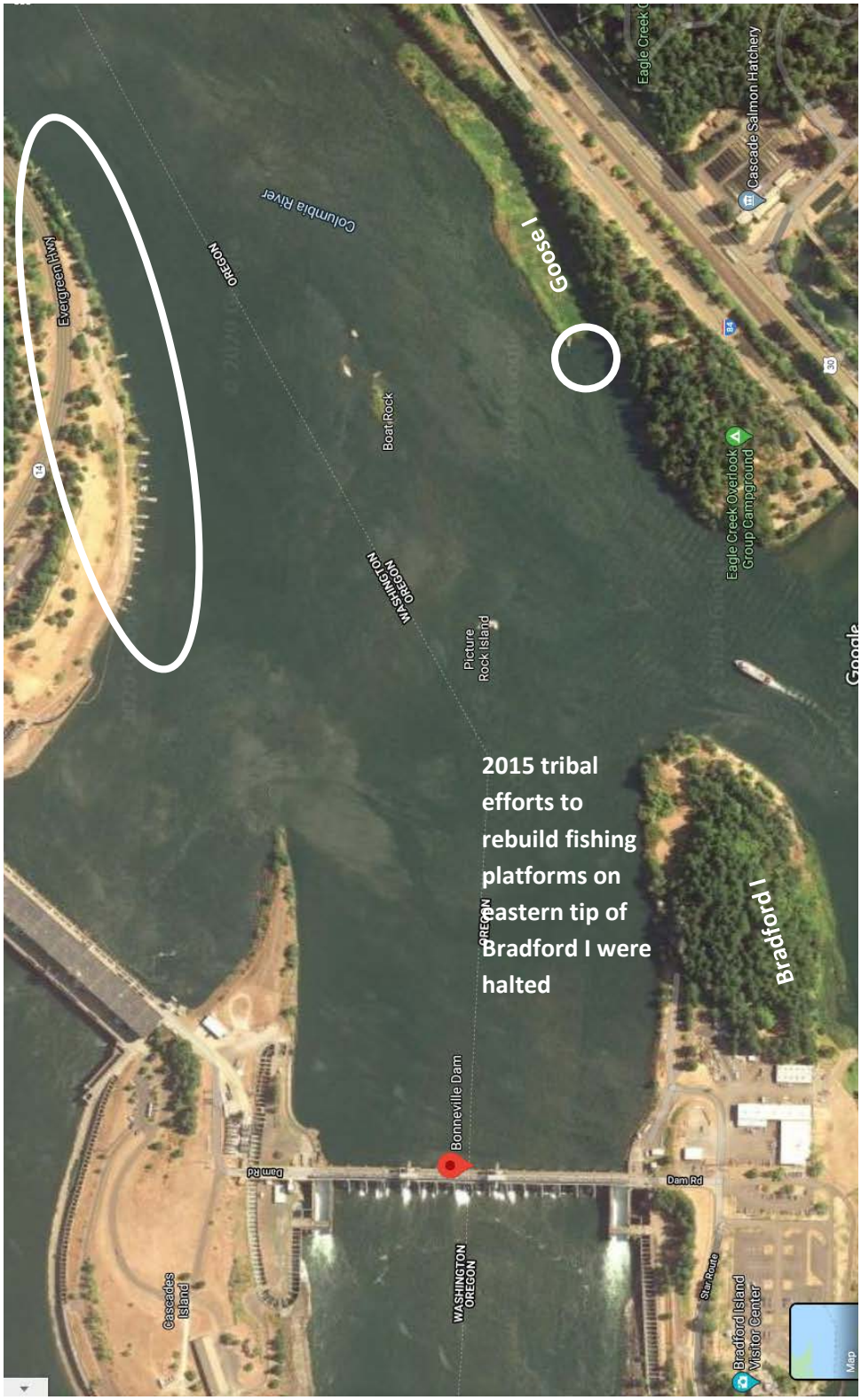
Paul Ward
Manager

Figure 1 – Bonneville/Fort Rains Treaty Fishing Access Site and Usual and Accustomed Shoreline Fishing Platforms (within and upstream of the Bradford Island Site In-River Operable Unit)

← **NORTH**

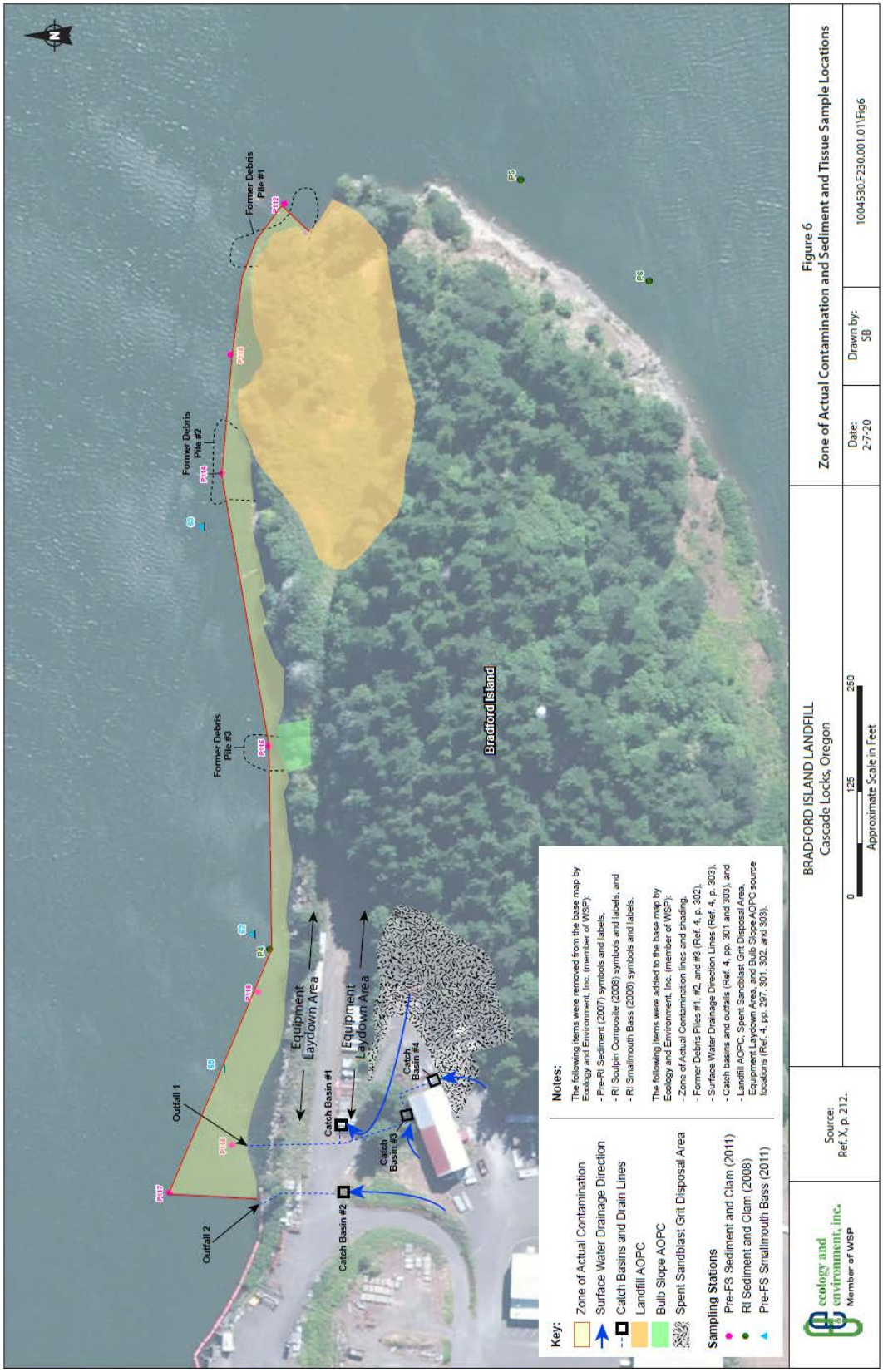
Google Earth

Figure 2 – Current Usual and Accustomed tribal fishing platforms along WA shoreline and west tip of Goose Island



GoogleMaps

Figure 3 – EPA's Zone of Contamination Map



2020-02-13 EPA email

Figure 4 In-River Operable Unit (partially based on assumed home range of small mouth bass)

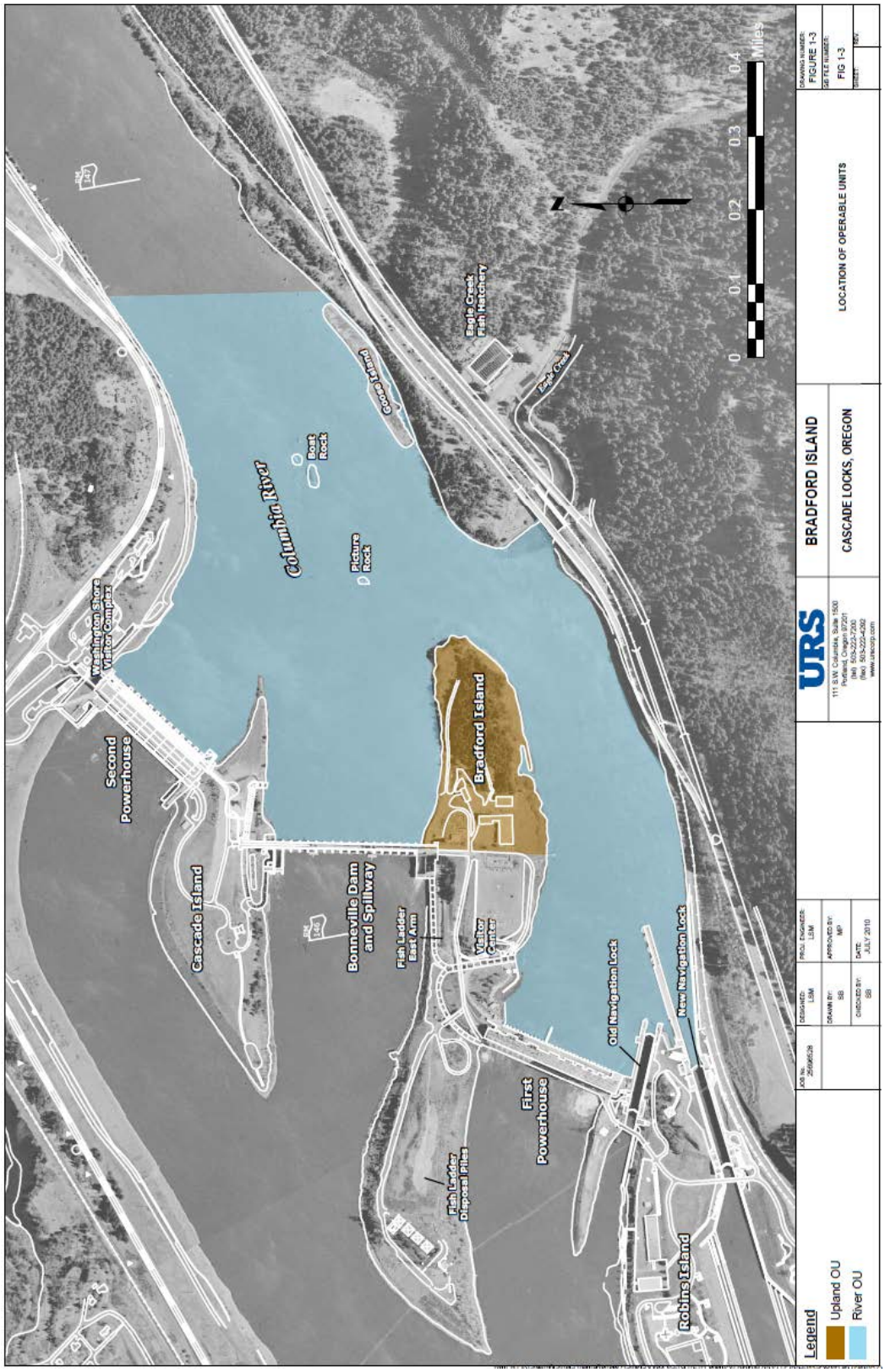


Table 1. Status, distribution and life history for fish species expected to be in waters of the Bradford Island site.					
Common, Scientific Name, and Population	**Federal Status**	**State Status**	**Essential Fish Habitat**	**Designated Critical Habitat**	**Distribution and Life History**
Sockeye salmon *(Oncorhynchus nerka)* Snake River ESU*	Endangered	Candidate (Washington)	Y	Y	Documented presence. Migration (adult and juvenile) – mainstem
Chum salmon *(Oncorhynchus keta)* Lower Columbia River ESU	Threatened	Candidate (Washington)	Y	Y	Documented presence, spawning and rearing in mainstem. Documented presence, spawning and rearing in Washington tributaries (Hardy Creek; Hamilton Creek)
Steelhead Trout *(Oncorhynchus mykiss)* Lower Columbia DPS**	Threatened	Candidate (Washington)	N	Y	Migration (adult and juvenile) – mainstem Spawning, Historical presence in upper – Oregon tributaries (Moffett Creek; Tanner Creek; Eagle Creek) Documented presence, spawning, rearing – Washington tributaries (Hardy Creek; Hamilton Creek).
Steelhead Trout *(Oncorhynchus mykiss)* Snake River Basin DPS	Threatened	Candidate (Washington)	N	Y	Migration (adult and juvenile) – mainstem
Steelhead Trout *(Oncorhynchus mykiss)* Middle Columbia DPS	Threatened	Candidate (Washington)	N	Y	Migration (adult and juvenile) – mainstem Spawning, Historical presence in upper – Oregon tributaries (Moffett Creek; Tanner Creek; Eagle Creek)
Steelhead Trout *(Oncorhynchus mykiss)* Upper Columbia DPS	Threatened	None	N	Y	Migration (adult and juvenile) – mainstem
Chinook salmon *(Oncorhynchus tsawytscha)* Snake River ESU	Threatened	Threatened (Oregon) Candidate (Washington)	Y	Y	Migration (adult and juvenile) – mainstem

Chinook salmon *(Oncorhynchus tsawytscha)* Lower Columbia ESU	Threatened	Candidate (Washington)	Y	Y	Migration (adult and juvenile) – mainstem. Rearing, Spawning, Historical presence in upper Oregon tributaries (Moffett Creek; Tanner Creek; Eagle Creek). Documented presence and spawning in Washington tributaries (Hardy Creek; Hamilton Creek)
Coastal cutthroat trout *(Oncorhynchus clarki clarki)*	Species of Concern	None	N	N	Migration (adult and juvenile) – mainstem
Coho salmon *(Oncorhynchus kisutch)* Lower Columbia ESU	Threatened	Endangered (Oregon)	Y	Y	Migration (adult and juvenile) – mainstem Spawning, Historical presence in upper Oregon tributaries (Moffett Creek; Tanner Creek; Eagle Creek)
Pink salmon *(Oncorhynchus gorbuscha)*	None	None	Y	N	Documented presence – odd year run
Pacific lamprey *(Lampropelta tridentata)*	Species of Concern	None	N	N	Migration (adult and juvenile) – mainstem Spawning and rearing in tributaries unknown
Bull Trout *(Salvelinus confluentus)*	Threatened	Candidate (Washington)	N	Y	Forage, Migration, Overwinter
White sturgeon (*Acipenser transmontanus*)	None	None	N	N	Spawning below dam Resident, multiple use above dam, spawning and rearing
Other fish species including but not limited to green sturgeon, rainbow/redband trout, shad, small mouth bass, large mouth bass, sculpin, crayfish, clams					

*Evolutionary Significant Unit

**DPS = Distinct Population Segment